

WEATHER FORECAST:  
Fair Tonight and Wednesday  
Full Report on Page 2.

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## PROSECUTION WILL TRY TO PROVE MRS. EATON INSANE OVER POISON

State Aims to Go Deep Into Past Life of Woman  
Accused of Murdering Admiral—Experts Say  
She Asked About Deadly Powder in Letter  
Assailing Her Husband.

### TESTIMONY SHOWS SHE WANTED HER WARRIOR HUSBAND "PUT AWAY"

COURT HOUSE, PLYMOUTH, Mass., Oct. 21.—The belief that the prosecution would attempt to prove Mrs. Jennie May Eaton both guilty and insane was confirmed here today on the fifth day of evidence taking in the trial of Mrs. Eaton for the murder of Rear Admiral Joseph G. Eaton.

In the light of testimony the declaration that the prosecution will delve into the past life and ancestry of the prisoner is significant. Witnesses testified regarding Mrs. Eaton's apparent groundless warnings that the admiral was insane and dangerous, and one witness stated he told Mrs. Eaton that she, if any member of the family, was insane. Spectators today awaited with intense interest to see to what extent the prosecution will corroborate evidence which tends to prove the prisoner the victim of hallucinations.

#### MRS. KEYES READY TO TESTIFY.

Mrs. Anne Keyes, daughter of the accused woman, was ready to testify today. The court room was crowded with women who expected to testify. Mrs. Charlotte Hill, of Norwell, a neighbor of the Eatons, testified that the admiral was in the best of spirits in the hours preceding his sickness. She said Mrs. Eaton called her husband a drug fiend. That Mrs. Eaton asked her to take June into her home because the ad-

## MRS. SULZER SAYS M'CALL AIDED MURPHY

Declares Mayoral Candidate  
Bore Tammany Messages to  
Husband at Albany.

### WANTED HER ASSISTANCE

Says Organization Asked Her  
Aid in Shaping the Gov-  
ernor's Course.

NEW YORK, Oct. 21.—The charge that Edward E. McCall, Tammany candidate for mayor, acted as a messenger for Charles F. Murphy, bearing threats to Governor Sulzer, was backed up today by Mrs. Sulzer, in a copyrighted interview in the Evening Mail, which also gave further revelations regarding Murphy's attempted domination of the State government. The interview in part, follows:

By JAMES CREELMAN.

(Copyrighted, 1913, by Mail and Express Co.)  
ALBANY, N. Y., Oct. 21.—The charge that Mr. McCall acted as Mr. Murphy's messenger to the governor does not rest on Mr. Sulzer's word alone.

"Mr. McCall constantly came to the executive mansion from New York," said Mrs. Sulzer. "He was always urging the governor to do this or that. He even came to me and said:

"Mrs. Sulzer, your husband must do these things; he must do them or he will be destroyed. You make your husband do them."

Governor Sulzer wanted to tell the whole story, under oath, in court. So determined was he to take the stand that he had his whole examination,

question and answer, prepared by some of his lawyers, and the evidence thus taken down in advance, under the most searching investigation, covered all his dealings with Mr. Murphy and Murphy's emissaries and the most minute details of Sulzer's financial affairs last fall.

"I was permitted to read this carefully worked out record and the bulk of my interview in yesterday's Evening Mail was based, word for word, on it. After Mr. Sulzer's revelations were made public yesterday I asked Louis Marshall, one of the distinguished lawyers who appeared for him in the impeachment trial, to explain to the people why Mr. Sulzer did not make these disclosures on the witness stand.

"It was attempted in the beginning of the trial to show some of the conditions which preceded and accompanied the impeachment," said Mr. Marshall. "But the court refused to allow us to go into what it held to be outside matters. Then we tried, through the evidence of Commissioner Hennessey, to show conditions in the department of public works, and the motive for Mr. Peck's damaging testimony, as well as Governor Sulzer's efforts to investigate corruption and the obvious motive for his impeachment. The court, however, ruled the evidence out. It was made quite certain the court would not allow Mr. Sulzer to tell of his dealings with Mr. Murphy."

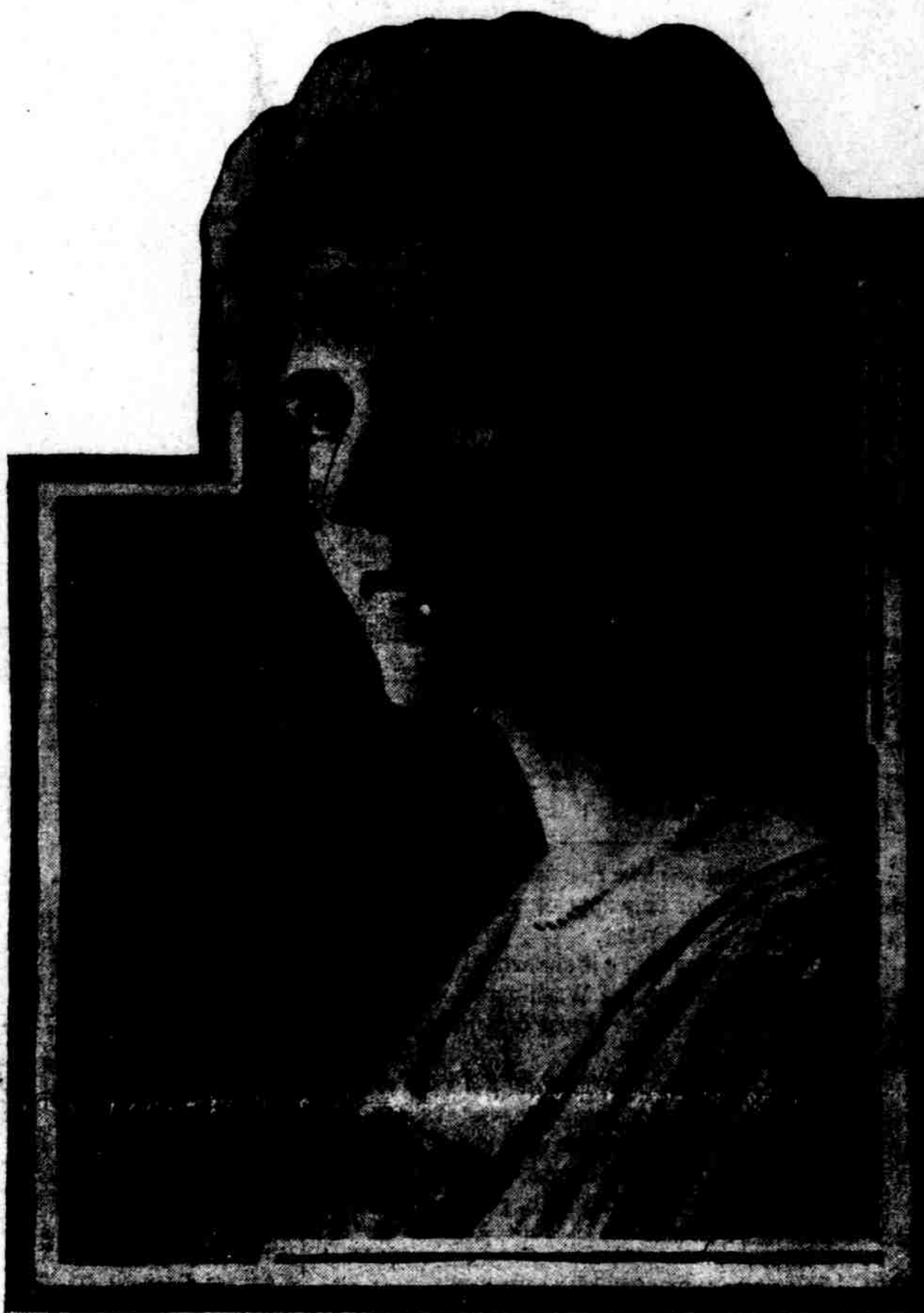
#### Found Questionable Contracts.

One incident bearing on the secret authority over the actual government assumed by Mr. Murphy as "The Chief," I omitted in yesterday's account of my interview with Mr. Sulzer. Governor Sulzer had prepared a statement of this, reciting all the incidents just as he would have told them on the witness stand. It reads as follows:

"After I took office in January, I learned that the State architect had expended more than \$4,000,000 in the previous year; that this was done practically upon the certificate of the State architect and that there had been no proper audit. I learned also that the appropriation for the capitol for 1912 had been exceeded by nearly half a million dollars and that there was no proper supervision. I asked a committee representing the American Institute of Architects to make a general investigation and I asked John A. Hennessey to dig into some of the accounts which had been presented for payment.

"The architects reported that the state architect, H. W. Hooper, and the deputy

## Latest Picture of Mrs. Sulzer, Who Corroborates Husband's Story of Intrigues of Murphy and McCall



## NEWMAN'S ELIGIBILITY IS UPHELD BY JUSTICE; FOES' PETITION DENIED

Home Rule Faction, Beaten by Judge's Decision,  
Is Expected to Carry Case to Highest Court,  
If Necessary—Frizzell Had No Right to Start  
Proceeding, According to Opinion of Bench.

### "PRESIDENT AND SENATE EXERCISED REASONABLE DISCRETION IN SELECTION"

The petition for a writ of quo warranto to test the eligibility of Oliver P. Newman to hold the office of District Commissioner was dismissed by Justice Thomas H. Anderson, presiding in Circuit Court No. 2, today.

This action was taken on the demurrer and a motion to quash the proceedings instituted by William J. Frizzell, representing the "home rule committee," which has been attacking the eligibility of Mr. Newman ever since the nomination.

Counsel for Mr. Frizzell indicated today that they will carry the case to the Court of Appeals, and the United States Supreme Court, if necessary.

Justice Anderson set forth his conclusions in a lengthy opinion, as follows:

"First, That the relator (William J. Frizzell), as a citizen and taxpayer merely, is not entitled in any event to institute this proceeding.

"Second, That, even if he were, the petition must be dismissed because it makes no showing that the determination by the President and the Senate as to the qualifications of the respondent (Oliver P. Newman) was reached otherwise than in the exercise of a reasonable discretion, and, accordingly, their determination was final.

#### BOTH MOTIONS ARE SUSTAINED.

"It follows that both the motion to quash the writ and the demurrer to the petition must be sustained, the writ quashed, and the petition dismissed; and it is so ordered."

Discussing the right of Mr. Frizzell to institute the proceedings, Justice Anderson said:

"It would be an exceptional situation, and his right so to do must be clearly manifest, before the courts would be justified in permitting a taxpayer or other citizen to prosecute such a proceeding, even though these officers (the Attorney General and the United States Attorney) had refused to do so on the request of such taxpayer or citizen."

"Manifestly, it is the policy where the right to hold a public office not against some person claiming it but against the general public, is involved, that the duty and power to test such right by a writ of quo warranto rests with the public representatives named in the statute, and not with a private citizen or taxpayer, who has no interest in the office, which is not common to every other citizen and taxpayer."

Continuing this line of discussion, the court added:

"By his petition, the relator, Frizzell, bases his right to institute this suit, not upon any interest he claims in the office that is not common to all other taxpayers and the general public, but simply on the grounds that, being a citizen and taxpayer of the District, he is an interested person within the meaning of the statute. For the reasons already stated, both upon principle and authority, this contention must be overruled."

In regard to the eligibility of Mr. Newman, Justice Anderson said that, in the first place, the President and the Senate did inquire into his qualifications and found them to be sufficient under the law, and that they were in the exercise of a reasonable discretion in reaching their conclusion.

Agreeing with the view of Mr. Newman's counsel that the President and the Senate investigated his eligibility before he was appointed and confirmed, Justice Anderson asserted:

"In the absence of some proper showing to the contrary, this presumption of the law must stand, as binding upon the court and the parties. And, as this case now stands, not only is there an entire absence of showing in the relator's petition that the President and Senate did not pass upon the legal qualifications of the respondent, or that his appointment was the result of the exercise of arbitrary power, but, on the contrary, the relator, by his petition, makes it perfectly clear and conclusive that the very point in question, viz., whether the respondent was eligible under the law to the office of Commissioner, was duly inquired into and considered by both the President and the Senate before the appointment was made.

#### Reasonable Discretion.

"The question of the respondent's qualifications having been thus passed upon by the appointing power, in advance of his appointment, in the exercise of a reasonable discretion (as must

be assumed in the absence of any averment or showing of arbitrary action), the question as to whether the respondent possesses the necessary legal qualifications is not now open to further inquiry."

Attorney Jackson H. Ralston argued the motions in behalf of Mr. Newman. Solicitor General John W. Davis appeared in the record as one of Mr. Newman's counsel at the direct of President Wilson, but made no arguments.

Counsel for Mr. Frizzell included ex-Senator John A. Bailey, A. A. Birney, William J. Neale, and James S. Ensign.

### Newman Gratified, But Not Surprised

Commenting on Justice Anderson's decision today, Commissioner Newman said:

"Naturally, I am very much gratified at the decision of the court. It was, however, what I have anticipated from the beginning. At no time has the action instituted by Mr. Frizzell been a matter of concern to me. In fact, for days at a time no thought of the proceedings has crossed my mind.

"I have not seen the full opinion of the court, but from the report of it made to me by those who have seen it, it strikes me as a complete and conclusive demonstration of the correctness of my position—that my eligibility having been determined by the President and the Senate, it is not subject to review by anybody else."

Jackson H. Ralston, attorney for Commissioner Newman, was much pleased at the court's decision.

"While the plaintiff has noted an appeal," said Mr. Ralston, "I hardly think that he will fare any better in the higher court for the reason that the present decision is so excellent in point of law and fact that it could scarcely be reversed."

#### IN CONGRESS TODAY.

SENATE.

Met at noon.  
Banking and Currency Committee continues hearings.  
Clayton credentials withdrawn.  
Senator Kern foresees no prospect of early adjournment.

Situation as to absence of quorum causes discussion.

HOUSE.

Met at noon.

Joint business transacted.  
Leaders unable to agree upon thirty-day recess proposal.  
Congressman Keating introduced resolution for investigation of conditions in coal fields of Colorado.

Dance Tonight. Arcade Dance. Admission by Card Only.—Adv.

## UNITED STATES READY FOR MEXICAN ACTION

Important Developments Are Believed to Be Pending—Bryan  
Confers With Wilson and Problem Is Taken Up  
at Cabinet Meeting.

Important developments in the Mexican policy of the United States are believed to be pending.

This morning, before the regular Tuesday Cabinet meeting, Secretary Bryan had an hour's conference with the President. It is believed that the conclusions of this conference, based on late advices from Mexico City and foreign capitals, were presented later to the entire Cabinet.

The Presidential elections in Mexico are scheduled to take place next Sunday. There is still room for doubt, however, whether or not they will be held. Huerta is now dictator, controlling practically all the functions of government. He has withdrawn his support from Gamboa for the Presidency, and is said to be warning Felix Diaz and other candidates to keep in the background. Apparently he has no candidate of his own.

#### INCREASE IN IMPORTS ORDERED.

Last, but not least, among the significant acts of the dictator, he has ordered an increase of 50 per cent on all imports to become effective October 23, two days after the date set for the election. The increase is occasioned, it is believed by the expenses of the Mexican army.

Although President Wilson, according to present plans—subject, of course, to change in the event of a crisis being reached—will be en route for the Southern Commercial Congress meeting at Mobile, Ala., when the elections are being held, he will not leave Washington without someone here in close touch with advices from the American embassy in Mexico City. Secretary Bryan has already cancelled an engagement to accompany the President, and will remain

in Washington. There is reason to believe that the Administration here is not without apprehension as to Sunday's developments.

Advised, it is said, by friends in this country who claim to have inside information from the State Department, American refugees are leaving Mexico in greater numbers than they have for some time.

Foreign nations, too, are apparently apprehensive. Great Britain, following formal inquiries from this country, has been quick to disclaim any intention of discourtesy toward the United States through the action of Sir Lionel Carr, the new British minister to Mexico. In presenting his credentials to President Huerta at the very time the United States was protesting against the dictatorship set up by Huerta and the latter's imprisonment of the deputies

## MILITANT WILL AWAIT PRESIDENT'S INVITATION

Mrs. Emmeline Pankhurst Will Not Call on Wilson. She Says,  
Unless Bidden to Visit White House—Great Public  
Welcome Planned for Tonight.

NEW YORK, Oct. 21.—Her health undermined by repeated arrests after undergoing hunger strikes in England, but admitted to this country at the special order of President Wilson, Mrs. Emmeline Pankhurst, militant suffragette leader, was today lionized by the women of New York.

At the home of Mrs. O. H. P. Belmont, and at the suffrage headquarters, Mrs. Pankhurst held court today while hundreds of women called to honor her. Tonight Mrs. Pankhurst will receive a great public welcome at a mass-meeting in Madison Square Garden. She will be the chief

(Continued on Second Page.)

## LEAP FROM WINDOW FAILS TO KILL HER

Miss Eula Henderson Taken to  
Emergency Hospital in  
Critical Condition.

Ill and despondent, Miss Eula Henderson, thirty years old, attempted to end her life this morning by jumping out of a third-story window of the house at 1719 Thirteenth street northwest. Her left leg was broken and her back was badly injured. At Emergency Hospital, where she was taken in an ambulance, it was said her condition was critical.

Miss Henderson had been suffering from poor health for several months and recently had become despondent. Getting out of bed about 2:30 o'clock, she plunged out the window. She landed on her feet on a grass plot. Members of her family were attracted by her groans and found her lying helpless on the ground.

To physicians at the hospital Miss Henderson stated she did not realize what she was doing when she threw herself out the window. She regretted her act and hoped she would recover.

The woman's mother, who is employed at the National School of Domestic Arts and Sciences, 1726 M street northwest, said that while her daughter had been despondent and discouraged over poor health

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